

**YOKOGAWA**  
**Application No. 09/885,958**  
**March 1, 2006**

**REMARKS/ARGUMENTS**

Reconsideration and allowance of this application are respectfully requested.

Currently, claims 11-53 are pending in this application.

**Rejection Under 35 U.S.C. §112:**

Claims 1-40 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Applicant respectfully traverses this rejection with respect to still pending claims 11-40. Applicant has amended several of the claims in light of the Examiner's helpful comments. Applicant submits that phrases "identifying a user" and "the identified user" refer to the same claimed element. Similar comments apply to recitations of "the user selected" and "selected user" as suggested in the Office Action. With respect to the boldface language noted in section 7 of the Office Action, Applicant respectfully submits that the language recited by these claims has been afforded a proper antecedent basis to prior claim elements and further limits them when so recited. Accordingly, Applicant respectfully requests that the rejection of claims 11-40 under 35 U.S.C. §112, second paragraph, be withdrawn.

**Double Patenting Rejection:**

The Office Action alleged that claims 1-10 and 11-20 were substantial duplicates. By this Amendment, claims 1-10 have been canceled. Accordingly, Applicant respectfully requests that the double patenting rejection be withdrawn.

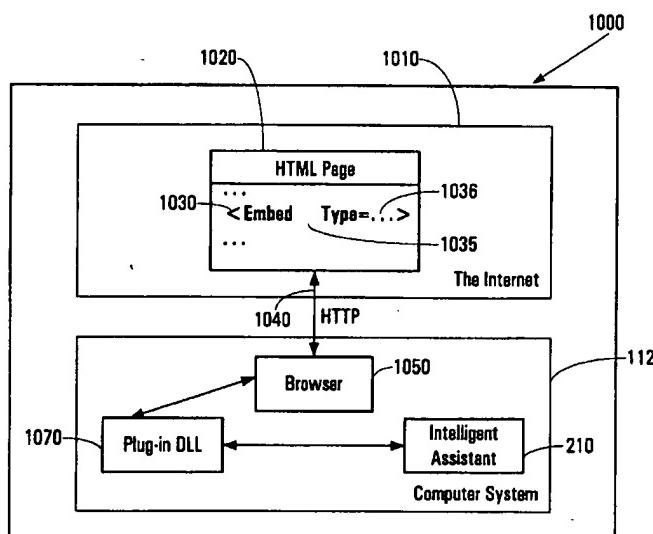
**Rejections Under 35 U.S.C. §102 and §103:**

Claims 1, 3-8, 10-11, 13-18, 20-21, 23-28, 30-31, 33-38 and 40 were rejected under 35 U.S.C. §102(a)/(e) as being anticipated by Kiraly et al (U.S. '731, hereinafter "Kiraly"). Applicant respectfully traverses this rejection.

For a reference to anticipate a claim, each element must be found, either expressly or under principles of inherency, in the reference. Each element of the claimed invention is not found in Kiraly. For example, Kiraly fails to disclose a server computer sending a virtual character in the form of data to a client computer through a network, the sending of the virtual character having its figure changed based on the service history of the identified user.

Kiraly discloses an intelligent assistant 210. The intelligent assistant may take the form of, for example, a parrot 300. The parrot 300 may change its shape or may alter its voice as a result of information obtained from an internet site.

However, the intelligent assistant is not sent from a server computer in the form of data to a client computer through a network. As clearly shown in Fig. 10 (reproduced below) of Kiraly, the intelligent assistant 210 is part of a client computer system 112.



**FIGURE 10**

Col. 5, lines 34-38 of Kiraly states "In one embodiment of the present invention, the computer system 112 is a Windows Operating System based computer system having

an x86 architecture processor 101. Alternatively, the computer system 112 can be a Apple computer platform.” It is thus clear that Kiraly fails to disclose a server computer sending the intelligent assistant 210 to a client computer through a network. The computer system 112 is clearly a client computer system which allows the user to access the internet. The intelligent assistant 210 receives and analyzes website information which may originate from a server. However, the intelligent assistant itself operates on a client computer system.

Accordingly, Applicant respectfully submits that the rejection of still pending claims 11, 13-18, 20-21, 23-28, 30-31, 33-38 and 40 under 35 U.S.C. §102 be withdrawn.

Claims 2, 9, 12, 19, 22, 29, 32 and 39 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Kiraly in view of Matsuda et al (U.S. ‘167, hereinafter “Matsuda”). Claims 6, 10, 16, 20, 26, 30, 36 and 40 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Kiraly in view of Plantec et al (U.S. ‘540, hereinafter “Plantec”). Applicant respectfully traverses these rejections with respect to still pending claims 12, 16, 19, 20, 22, 26, 29, 30, 32, 36, 39 and 40. Each of these claims depends from one of independent base claims 11, 21 or 31. Accordingly, all of the comments made above with respect to Kiraly apply equally to these claims. Neither Matsuda nor Plantec remedies the above described deficiencies of Kiraly. For example, while Matsuda shows a virtual pet image which may change appearance, there is no teaching or suggestion of the virtual character being sent from a server to a client in which the virtual character has its figure change based on the service history of identified user. Similar comments apply to Plantec.

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Accordingly, Applicant respectfully requests that the rejection of these claims under 35 U.S.C. §103 be withdrawn.

**New Claims**

New claims 41-53 have been added to provide additional protection for the invention. Claims 41-46 are allowable at least for the reasons discussed above with respect to each of their respective base claims. Claims 47-53 require, *inter alia*, "transmitting the virtual character to the client computer based on the selected category and the selected level of that selected category." Applicant submits that claims 41-53 are allowable.

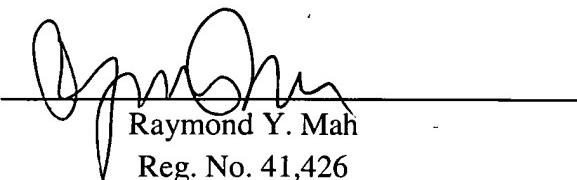
**Conclusion:**

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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